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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,922	10/13/2004	Angela L. Marshall	2257.0	5921

9748 7590 10/18/2005

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EXAMINER

BIDWELL, JAMES R

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,922

Applicant(s)

MARSHALL ET AL.

Examiner

James R. Bidwell

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-31 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-21 and 32-44 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1, 3, 4, 6, 7, 10, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lapyere et al. (U.S. Patent 5,507,383).

Lapyere et al. show a modular conveyor belt with a flat upper surface 15 and a ribbed member 11 with a solid base 17 and a textured upper ridge structure 16 atop base 16.

Re claim 3, Figure 9 shows cones for the upper ridge structure.

Re claim 4, the cones of Figure 9 can be considered rows of teeth.

Re claim 6, the top portion of structure 16 are crests which alternate with the valleys enclosed by the crests.

Re claim 7, the crests and valleys are oblique to the longitudinal belt direction.

Re claim 10, see Figure 10.

Re claim 32, the Figure 9 embodiment has a notch between the teeth as is broadly claimed.

Re claim 33, the rows of teeth of fully capable of being equal in number to the number of hinge eyes.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 11-21 and 34-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapyere et al. in view of Kasai et al. (U.S. Patent 6,068,112).

Lapyere et al. do not show rows of truncated rectangular pyramids. However, shown by Kasai et al. in Figure 3 are rows of such pyramids. To include such onto Lapyere et al. would have been obvious to one of ordinary skill in the art as it is well within the skill of the art to recognize other shapes for projections are possible which will perform identical functions.

Re claims 11-21 and 34-44, see Figures 3-5 of Kasai et al. for the dimensions and spacings of the pyramids and for the v-shaped notches between the rows of pyramids. The top face of Kasai et al.'s pyramid is greater than the bottom face.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapyere et al. in view of Guldenfels (U.S. Patent 6,382,404).

Lapyere et al. do not show corrugations or an upstanding sinuous bead. Guldenfels shows upstanding corrugated sinuous beads 22 on a modular belt. To include such onto the surface of Lapyere et al. would have been obvious to one of ordinary skill in the art as various shapes would provide the same functional equivalent.

Claims 22-31 are allowed.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weiser et al. (U.S. Patent 6,705,460) shows truncated cones on top of a modular conveyor belt.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Bidwell whose telephone number is (571)272-6910. The examiner can normally be reached on Tues.-Fri. from 6:30 to 4:00. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford, can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRB

09-22-2005

James R. Bidwell
JAMES R. BIDWELL
PRIMARY EXAMINER
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9/22/05